



THE CITY OF NEW YORK
LAW DEPARTMENT
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October 28, 2021

BY ECF

Honorable James R. Cho
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Brigid Pierce v. City of New York, et al. 21-CV-3482 (PKC)(JRC)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, assigned to the defense of the above-referenced matter on behalf of defendant City of New York. I write to respectfully request that the court *sua sponte* grant a two week enlargement of time, from October 28 to November 12, 2021, for defendant Kamalic to answer or otherwise respond to the complaint. Plaintiff's counsel consents to this request.

In the complaint, plaintiff alleges, *inter alia*, that on or about June 3, 2020, she was peacefully protesting when the individual officers falsely arrested her and subjected her to excessive force. Upon information and belief, Officer Kamalic was properly served with the summons and complaint on or about October 7, 2021. Therefore, his answer to the amended complaint is due by October 28, 2021.

Before this Office can respond to the amended complaint on behalf of Officer Kamalic, we must first determine whether this Office can offer him representation. Once proper service has been effectuated, pursuant to Section 50-k of the New York General Municipal Law, this Office must determine, based on a review of the case, whether we may represent these officers. Each officer must then decide whether they wish to be represented by this Office. See Mercurio v. The City of New York, et al., 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)). Only after this procedure has been followed can we determine how to proceed in this case.

The undersigned has been in contact with Officer Kamalic to set up an interview to resolve representation, however, Officer Kamalic is currently on vacation and not able to meet with me until later next week. Therefore, to allow this Office time to resolve representation, we would ask that the court, *sua sponte*, extend the time for Officer Kamalic to answer until November 8, 2021.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Erin Teresa Ryan
Senior Counsel
Special Federal Litigation Division

cc: All Counsel (By ECF)